

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



June 26, 1995

ALL-COUNTY LETTER NO. 95-28

TO: ALL COUNTY WELFARE DIRECTORS

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☒ Court Order or Settlement Agreement
- ☐ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

SUBJECT: IMPLEMENTATION OF BLANCO V. ANDERSON REGULATIONS
(RDB #0295-03)

REFERENCE: MANUAL SECTIONS (M.S.) 63-007.2; 63-205.1; 63-300.381 and .382; 11-601.21, .211, .212, .213, .213(a), .214, and .215; 11-601.31, .311, .311(a), .311(b), .311(b)(1), .311(b)(2), .312(a), .312(b), .313, .313(a), .313(b), and .313(c); 11-601.314, .314(a), .314(b), and .314(c); and HANDBOOK SECTIONS 63-300.383; 11-601.1, 11-601.313(d), and 11-601.314(d). MANUAL OF POLICIES AND PROCEDURES (M.P.P) 44-317.111(a), .111(b), and HANDBOOK SECTION 44-317.111(c).

This letter provides County Welfare Departments (CWDs) with information regarding regulations which will become effective on July 1, 1995. These regulations implement the provisions contained in the final judgment issued by the United States District Court on December 20, 1994 in the Blanco v. Anderson court case. The judgment defines the parameters and options within which CWDs must provide mandated services to the public when offices are closed during the regular eight hours of the working day. The attachment to this letter describes the major provisions of these regulations.

If you have any questions regarding these proposed regulations, please contact David Badal (Food Stamps) at (916) 654-1405 or Vincent Toolan (AFDC) at (916) 654-1808.

Bruce Wagstaff
Acting Deputy Director
Welfare Programs Division

Attachment

Description of Major Provisions

Implementation of Blanco v. Anderson (M.S. 63-007)

This section of the Manual of Policies and Procedures provides a reference to M.S. 11-600 which includes the specific regulations pertaining to the Blanco v. Anderson court order. It specifies that the provisions are effective July 1, 1995.

Hours of Operation (M.S. 63-205.1)

This section is being amended to provide a cross-reference to M.S. 11-601 regarding hours of operation and mandated procedures during office closure.

Application Process (M.S. 63-300.381 and .382) and (M.P.P. 44-317.111(a) and 44-317.111(b))

M.S. 63-300.381 is being adopted to specify that during periods of office closure, the date of application for a Food Stamp application dropped off in accordance with M.S. 11-601.311(b) shall be the date the application is deposited.

M.S. 63-300.382 is being adopted to specify that during periods of office closure, if an applicant calls requesting emergency benefits in accordance with M.S. 11-601.313, the date of application shall be the date the telephone call is received.

M.P.P. 44-317.111(a) is being adopted to specify that during periods of office closure, the date of application for an AFDC application dropped off in accordance with M.S. 11-601.311(b) shall be the date the application is deposited.

M.P.P. 44-317.111(b) is being adopted to specify that during periods of office closure, if an applicant calls requesting emergency benefits in accordance with M.S. 11-601.313, the date of application shall be the date the telephone call is received.

Handbook Section 63-300.383

This section is being adopted to provide examples of the requirements stated in M.S. 63-300.381 and .382.

Handbook Section 44-317.111(c)

This section is being adopted to provide examples of the requirements stated in M.P.P. 44-317.111(a) and .111(b).

Handbook Section 11-601.1

Handbook Section 11-601.1 provides a chronological background of the Blanco v. Anderson court case.

Definitions (M.S. 11-601.211, .212, .213, .213(a), .214, and .215)

These sections define terminology used in the final judgment issued in Blanco v. Anderson.

M.S. 11-601.211 is being adopted to clarify the requirement to "Accept and act upon all applications for emergency benefits". This includes providing emergency benefits within the time limits prescribed by Federal and State law.

M.S. 11-601.212 defines "local telephone service" as a toll-free number in the same geographic area as the CWD's telephone number.

M.S. 11-601.213 is being adopted to provide clarity of the phrase "Opportunity to file an application for benefits" as defined in the Manual of Policies and Procedures for the AFDC and Food Stamp Programs.

M.S. 11-601.213(a) defines "Special Assistance" as the act of assisting the applicant in any way necessary in order to provide emergency benefits.

M.S. 11-601.214 defines "Regular eight hours of the working day" as the eight hour period that CWD offices are open to the public.

M.S. 11-601.215 defines "Working days" as Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays excluding Federal and State holidays.

County Responsibilities (M.S. 11-601.31, .311, .311(a), .311(b)(1) and (2), .312, .312(a) and (b), .313, .313(a), (b) and (c), .314, .314(a), (b) and (c))

These sections contain the specific procedures for counties to use for compliance with the mandates of the Blanco v. Anderson court order if county offices are closed to the public at any time during the eight hours of a regular working day (excluding Federal and State holidays).

M.S. 11-601.31 specifies that if county offices are closed during a normal working day, the county must comply with all of the provisions in the succeeding sections.

M.S. 11-601.311, .311(a), .311(b), (1) and (2) are being adopted to specify that during the hours of office closure during a normal working day, individuals shall be allowed to apply for and/or receive Food Stamp and/or AFDC benefits within the time limits prescribed by federal and state law by making applications readily available; providing a drop box or mail slot for filing applications; and, if necessary, by backdating applications filed on closure days.

M.S. 11-601.312 is being adopted to specify that during hours of office closure, CWDs must provide individuals the opportunity to file an application for and receive expedited Food Stamp, Immediate Need AFDC, and/or Homeless Assistance benefits within the time limits prescribed by federal and state law.

M.S. 11-601.312(a) and .312(b) specify that during hours of office closure, counties must either maintain sufficient staff to accept applications for emergency benefits or provide and maintain a local telephone service to accept and act upon applications as if such applications had been filed in person at the CWD office.

M.S. 11-601.313, (a), (b), and (c) are being adopted to specify that counties must provide incoming callers on main telephone lines with information regarding days and hours of closure and how to apply for benefits during such closure.

M.S. 11-601.314, (a), (b), and (c) are being adopted to specify the CWD's responsibility to post notices informing the public of days and hours of office closure and the procedures for applying for and receiving benefits within the time limits prescribed by federal and state law during closure periods.

Handbook Section 11-601.313(d) and 11-601.314(d)

These sections have been adopted to specify that the Blanco v. Anderson court order contains provisions for providing services and information to clients under the Medi-Cal program as well as the AFDC and Food Stamp programs.

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91)

AGENCY

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

AGENCY FILE NUMBER (if any)

ORD #0295-03

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
For use by Office of Administrative Law (OAL) only				
NOTICE			REGULATIONS	

TO OAL
6/2/95

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE Blanco v. Anderson Implementation		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S) MPP	ADOPT 11-601
SECTIONS AFFECTED	AMEND 44-317, 63-007, 63-205, and 63-300
	REPEAL

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☐ Effective on filing with Secretary of State ☒ Effective other (Specify) July 1, 1995

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

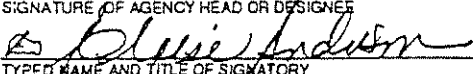
☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON Frank Vitulli, Chief, Office of Regulations Development	TELEPHONE NUMBER 651-2586
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7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE JUN 1 1995
TYPED NAME AND TITLE OF SIGNATORY ELOISE ANDERSON, Director	

PUBLIC NOTICE

July 26, 1995 Public Hearing

ITEM #2

Blanco v. Anderson Implementation

CHAPTERS

Manual of Policies and Procedures Division 11 (Administrative Standards for Eligibility and Assistance Programs), Chapter 11-600 (Lawsuits Involving Multiple Programs), Section 11-601 (Blanco v. Anderson Lawsuit); Division 44 (Standards of Assistance), Chapter 44-300 (Aid Payments), Section 44-317 (Beginning Date of Aid for New Applications); and Division 63 (Food Stamp Regulations), Chapter 63-000 (Food Stamp Implementation Schedule), Section 63-007 (Implementation of Blanco v. Anderson), Chapter 63-200 (Program Requirements), Section 63-205 (Location and Hours of Operation of Certification and Issuance Services), and Chapter 63-300 (Application Process), Section 63-300 (Application Process)

INFORMATIVE DIGEST

These regulations implement the most recent judgment in Blanco v. Anderson which was issued December 20, 1994 and amended January 3, 1995. The judgment directs counties to provide notice to the public of the welfare offices' hours of operation and to provide direction to the public on how to apply for assistance benefits and/or medical services when the offices are closed during the regular eight hours of the working day.

Current regulations are silent on how the county welfare department (CWD) is to provide notice to the public of the CWD's hours of operation and how the CWD is to provide direction to the public on how to apply for assistance benefits and/or medical services when the CWD is closed during the regular eight hour day.

The proposed regulations specify how the notice and direction are to be provided to the public.

COST ESTIMATE

1. Costs or Savings to State Agencies: None.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: None.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not on school districts. There are no "state-mandated local costs" in these regulations which require state reimbursement under Sections 17500 et seq. of the Government Code because any costs associated with the implementation of these regulations are costs mandated by federal law, as interpreted by the court order in Blanco v. Anderson, within the meaning of Sections 17513 and 17556 of the Government Code.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES AND OF ALTERNATIVES CONSIDERED

CDSS has determined that the proposed regulations do not impose an adverse cost impact on private persons or businesses, including the ability of California businesses to compete with businesses in other states because these regulations do not impact private persons or businesses.

CDSS must determine that no alternative considered would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected persons than the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no adverse impact on small businesses as a result of filing these regulations because these regulations do not affect small businesses.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Welfare and Institutions Code Sections 10553, 10554, and 18904. Subject regulations implement and make specific Section 18902, Welfare and Institutions Code; and Blanco v. Anderson Court Order, United States District Court, Eastern District of California, No. CIV-S-93-859 WBS, JFM, dated January 3, 1995.

EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code Section 11346.4.

FINDING OF EMERGENCY

These regulations are being implemented on an emergency basis for the immediate preservation of the public peace, health and safety, or general welfare, within the meaning of Government Code Section 11346.1.

DESCRIPTION OF SPECIFIC FACTS WHICH CONSTITUTE THE EMERGENCY

1. The decision in the case of Blanco v. Anderson requires: that if a county determines it is appropriate to close its offices during normal business hours, the county must provide means and instructions for individuals to apply for, and receive, Food Stamp, Aid to Families with Dependent Children (AFDC), homeless assistance, and Medi-Cal benefits, including emergency benefits, during the hours of office closure; and, that the county must post notices and inform incoming callers of the office hours and how to apply for and receive benefits.
2. The state and counties must comply with the court order immediately. The Department has determined that the most efficient and effective means of ensuring compliance is through the rulemaking process.
3. The nonemergency rulemaking process set forth in the Administrative Procedure Act is sufficiently lengthy that it is not possible to adopt the necessary state regulations in a timely enough manner to ensure that the needs of applicants for, and recipients of, aid are adequately met and that the households benefited by these requirements receive the maximum nutritional benefit to which they are entitled by state and federal law.
4. Therefore, in order to comply with the federal and state laws governing the Food Stamp Program, to insure that households maximize their entitlement to these significant health-vital benefits as described in Welfare and Institutions Code Section 18900, and to avoid possible potential additional litigation and needless administrative expense, these regulations are adopted as an emergency measure, to become effective July 1, 1995.

INFORMATIVE DIGEST

These regulations implement the most recent judgment in Blanco v. Anderson which was issued December 20, 1994 and amended January 3, 1995. The judgment directs counties to provide notice to the public of the welfare offices' hours of operation and to provide direction to the public on how to apply for assistance benefits and/or medical services when the offices are closed during the regular eight hours of the working day.

Current regulations are silent on how the county welfare department (CWD) is to provide notice to the public of the CWD's hours of operation and how the CWD is to provide direction to the public on how to apply for assistance benefits and/or medical services when the CWD is closed during the regular eight hour day.

The proposed regulations specify how the notice and direction are to be provided to the public.

COST ESTIMATE

1. Costs or Savings to State Agencies: None.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: None.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not on school districts. There are no "state-mandated local costs" in these regulations which require state reimbursement under Sections 17500 et seq. of the Government Code because any costs associated with the implementation of these regulations are costs mandated by federal law, as interpreted by the court order in Blanco v. Anderson, within the meaning of Sections 17513 and 17556 of the Government Code.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Welfare and Institutions Code Sections 10553, 10554, and 18904. Subject regulations implement and make specific Section 18902, Welfare and Institutions Code; and Blanco v. Anderson Court Order, United States District Court, Eastern District of California, No. CIV-S-93-859, WBS, JFM, dated January 3, 1995.

INITIAL STATEMENT OF REASONS

a) Description of the Public Problem, Administrative Requirement, or Other Condition or Circumstance the Regulations Are Intended to Address

The Blanco v. Anderson lawsuit challenged the closure of county welfare department (CWD) offices during regular business hours except Saturdays, Sundays, and legal holidays.

The initial decision, issued on December 16, 1993, addressed only the closure of CWD Food Stamp offices without first having completed a review of the office hours of operation as required by federal regulations at 7 CFR 272.4(g). Emergency state regulations implementing the specific federal regulatory requirements for the required annual office hours review were effective June 1, 1994.

The most recent judgment, issued December 20, 1994, and amended January 3, 1995, finds that by allowing CWDs to close their offices during the "regular eight hours of the working day," class members have been denied their right to apply for and receive Food Stamp, Aid to Families with Dependent Children (AFDC), homeless assistance, and Medi-Cal benefits. This includes expedited Food Stamp, immediate need AFDC, homeless assistance, and immediate need Medi-Cal benefits. The judgment directs counties to provide notice to the public of the welfare offices' hours of operation and to provide direction to the public on how to apply for assistance benefits and/or receive emergency medical services when the offices are closed during the regular eight hours of the working day.

These regulations implement the December 20, 1994 judgment as amended January 3, 1995.

b) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are NecessarySection 63-007Specific Purpose:

This section is being revised to change the title of the section.

Factual Basis:

This revision is necessary to specify that the new provision of Section 63-007.2 implements the Blanco v. Anderson final court order, No. CIV S-93-859, issued December 20, 1994, and amended January 3, 1995, by the U.S. District Court, Eastern District of California.

Section 63-007.2Specific Purpose:

This section is being adopted to specify the date on which new Sections 11-601

and 63-300.38 are to be implemented by the CWDs.

Factual Basis:

This adoption is necessary to inform counties of the effective date for implementation of the provisions of new Sections 11-601 and 63-300.38 and is pursuant to Section 18904 of the Welfare and Institutions Code.

Section 63-205.1

Specific Purpose:

This section is being amended to add a cross-reference to new Section 11-601.

Factual Basis:

This amendment is necessary to link Section 63-205.1 on hours of operation to new Section 11-601 which describes the requirements of the December 20, 1994, Blanco v. Anderson court order, as amended January 3, 1995.

Sections 63-300.38, .381, and .382

Specific Purpose:

These sections are being added to specify that when an application is filed with the CWD during the regular eight hours of a working day on which the CWD is closed, the date of application shall be the date the application is filed.

Factual Basis:

These sections are needed to comply with the terms of the December 20, 1994, Blanco v. Anderson court order, as amended January 3, 1995.

Handbook Section 63-300.383

Specific Purpose/Factual Basis:

This handbook section is included to provide an example of the determination of the date of application when an application is filed on a day on which the CWD is closed.

Chapter 11-600 and Section 11-601

Specific Purpose/Factual Basis:

This chapter and section are being adopted to provide titles and is for organizational purposes only.

Handbook Section 11-601.1

Specific Purpose/Factual Basis:

This handbook section provides a background summary of the Blanco v. Anderson lawsuit and is for informational purposes only.

Sections 11-601.2 and .21

Specific Purpose:

These sections are being adopted to provide the counties definitions of key requirements.

Factual Basis:

These adoptions are necessary to comply with the Blanco v. Anderson final court order, dated January 3, 1995, and to provide the counties a clear understanding of key requirements.

Section 11-601.211

Specific Purpose:

This section is being adopted to provide clarity of the requirement to "accept and act upon applications for emergency benefits."

Factual Basis:

This adoption is necessary to comply with paragraph 5.b.(1) of the Blanco v. Anderson final court order, dated January 3, 1995; this provision is taken directly from the court order.

Section 11-601.212

Specific Purpose:

This section is being adopted to define the phrase "local telephone service."

Factual Basis:

This adoption is necessary to clarify that "local telephone service" means a toll-free number in the same geographic area as the CWD's telephone number.

Sections 11-601.213 and .213(a)

Specific Purpose:

These sections are being adopted to provide clarity of the phrases "opportunity to file an application for benefits" and "special assistance." Cross-references to federal and state regulations for AFDC and Food Stamp programs provisions for eligibility assistance have been included to provide the reader with the description of the responsibility of the county in providing assistance to applicants of these programs.

Factual Basis:

These adoptions are necessary to comply with paragraph 5.b. of the Blanco v. Anderson final court order, dated January 3, 1995; this provision is taken directly from the court order. These adoptions are also necessary to provide a clear understanding of the key requirements for providing an opportunity to

file an application for benefits and offer special assistance mandated by each of the programs (AFDC and Food Stamps) as specified in 7 CFR 273.2(e) and (f); 45 CFR 233.10(a)(1)(vi); and Manual of Policies Procedures Section 40-157.213 and Sections 63-300.4 and .5.

Section 11-601.214

Specific Purpose:

This section is being adopted to define the phrase "regular eight hours of a working day."

Factual Basis:

This adoption is necessary to provide a consistent definition of what constitutes an eight-hour period of a working day. The Blanco v. Anderson court order refers only to the "regular eight hours of a working day" but does not specify what those hours should be. Rather than specify a rigid statewide standard, CDSS has opted to provide counties the flexibility of maintaining the current eight-hour period they are open to the public. The hours of operation chosen by each county are based on the assessment conducted under Section 63-205.1.

Section 11-601.215

Specific Purpose:

This section is being adopted to define "working days."

Factual Basis:

This adoption is necessary to comply with paragraph 1 of the Blanco v. Anderson final court order, dated January 3, 1995, which defines "working days" as Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays.

Sections 11-601.3 and .31

Specific Purpose:

These sections are being adopted to specify that if a county determines office closure during a normal working day is appropriate, the county must comply with all of the provisions in the succeeding sections.

Factual Basis:

These adoptions are necessary to comply with paragraph 5.b. of the Blanco v. Anderson final court order, dated January 3, 1995.

Section 11-601.311 et seq.

Specific Purpose:

Section 11-601.311 is being adopted to specify that during the hours of office closure, individuals shall be allowed to apply for aid benefits.

Section 11-601.311(a) is being adopted to specify that counties are required to make available applications for aid benefits during office closure hours.

Section 11-601.311(b) is being adopted to specify that counties must provide a drop-box, mail slot, etc., to enable individuals to file applications for benefits when county offices are closed; to specify that applications so filed shall be considered to have been filed on the date of office closure; and, to specify that if an individual is denied the opportunity to file an application on the date of office closure, the application shall be considered to have been filed on the date of office closure.

Factual Basis:

These adoptions are necessary to comply with paragraphs 5.b. and 5.b.(2) of the Blanco v. Anderson final court order, dated January 3, 1995.

Section 11-601.312

Specific Purpose:

This section is being adopted to specify that during the hours of office closure, individuals shall be allowed to apply for emergency benefits.

Factual Basis:

This adoption is necessary to comply with paragraph 5.b.(1) of the Blanco v. Anderson final court order, dated January 3, 1995.

Sections 11-601.312(a) and (b)

Specific Purpose:

These sections are being adopted to specify that counties may either maintain office staff during the office closure to accept applications for emergency benefits or maintain a local telephone service to accept applications for emergency benefits.

Factual Basis:

These adoptions are necessary to comply with paragraph 5.b.(1) of the Blanco v. Anderson final court order, dated January 3, 1995.

Section 11-601.313 et seq.

Specific Purpose:

This section is being adopted to specify that counties must greet incoming calls on the main telephones with information on when the offices will be closed and how to apply for, and receive, benefits, including emergency benefits.

Factual Basis:

This adoption is necessary to comply with paragraph 5.b.(4) of the Blanco v. Anderson final court order, dated January 3, 1995.

Handbook Section 11-601.313(d)

Specific Purpose/Factual Basis:

This handbook section is being included to remind counties that the court order requires that information regarding Medi-Cal and emergency medical services be included when greeting incoming calls on main telephone lines of the CWD's offices during the hours of office closure on normal working days. The greetings provide specific program information specified in Sections 63-601.313(a), (b), and (c).

Section 11-601.314 et seq.

Specific Purpose:

This section is being adopted to specify that counties are required to specify where notices are to be posted and that such notices inform the public of office hours and the process for applying for aid benefits, including emergency benefits.

Factual Basis:

This adoption is necessary to comply with paragraph 5.b.(3) of the Blanco v. Anderson final court order, dated January 3, 1995.

Handbook Section 11-601.314(d)

Specific Purpose/Factual Basis:

This handbook section is being included to remind counties that the court order requires that information regarding Medi-Cal and emergency medical services be included when posting notices in prominent locations within the CWD's office and in public areas during the hours of office closure on normal working days. The notices provide specific program information specified in Sections 63-601.314(a), (b), and (c).

Sections 44-317.111(a) and (b)

Specific Purpose:

These sections are being added to specify that when an application is filed with the CWD during the regular eight hours of a working day on which the CWD is closed, the date of application shall be the date the application is filed.

Factual Basis:

These sections are needed to comply with the terms of the Blanco v. Anderson final court order, dated January 3, 1995.

Handbook Section 44-317.111(c)

Specific Purpose/Factual Basis:

This handbook section is included to provide an example of the determination of the date of application when an application is filed on a day on which the welfare department is closed.

c) Identification of Documents Upon Which Department Is Relying

- Blanco v. Anderson Court Order, United States District Court, Eastern District of California, No. CIV S-93-859 WBS, JFM, dated January 3, 1995.
- 7 CFR 273.2(e) and (f)
- 45 CFR 233.10(a)(1)(vi)

d) Testimony and Response

[To be completed after the Public Hearing.]

e) Local Mandate Statement

These regulations do impose a mandate upon local agencies, but not on school districts. There are no "state-mandated local costs" in these regulations which require state reimbursement under Sections 17500 et seq. of the Government Code because any costs associated with the implementation of these regulations are costs mandated by federal law, as interpreted by the court order in Blanco v. Anderson, within the meaning of Sections 17513 and 17556 of the Government Code.

f) Statement of Potential Cost Impact on Private Persons or Businesses and of Alternatives Considered

CDSS has determined that the proposed regulations do not impose an adverse cost impact on private persons or businesses, including the ability of California businesses to compete with businesses in other states because these regulations do not impact private persons or businesses.

CDSS has determined that no alternative considered would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected persons than the proposed action.

Amend Section 63-007 to read:

63-007 IMPLEMENTATION OF ~~HOURS OF OPERATION REVIEW REQUIREMENT~~
BLANCO v. ANDERSON

63-007

.1 (Continued)

.2 Sections 11-601 and 63-300.38 shall be effective July 1, 1995.

Authority Cited: Sections 10553, ~~and~~ 10554, and 18904, Welfare and Institutions Code.

Reference: Section 18902, Welfare and Institutions Code, 7 CFR 272.4(g), Blanco v. Anderson Court Order, United States District Court, Eastern District of California, No. CIV-S-93-859 WBS, JFM, dated ~~December 18/ 1993~~ January 3, 1995.

Amend Section 63-205.1 to read:

63-205 LOCATION AND HOURS OF OPERATION OF CERTIFICATION AND
ISSUANCE SERVICES

63-205

.1 Hours of Operation

CWDs are responsible for determining the location and hours of operation of certification and issuance services available to Food Stamp applicants and recipients based on an assessment of their needs. To make this determination, CWDs shall conduct an annual review of the hours of operation of Food Stamp certification and issuance offices to ensure that the needs of recipients who work are adequately met. The results of these reviews shall be submitted to the California Department of Social Services to be retained for review by the federal Food and Nutrition Service. Requirements for CWD offices that are not open to the public eight hours per day, Monday through Friday, are specified in Section 11-601.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 18902, Welfare and Institutions Code, 7 CFR 272.4(g), Blanco v. Anderson Court Order, United States District Court, Eastern District of California, No. Civ. S-93-859 WBS, JFM, dated ~~December 16/ 1993~~ January 3, 1995.

.3 Filing, Notice of Right to File and Withdrawal (Continued)

.38 Beginning Date of Application When CWD Is Closed on Normal Work Days

.381 In the event the CWD is closed during the regular eight hours of a working day as defined in Sections 11-601.214 and .215, and an application for Food Stamp benefits is deposited in a drop box, mail slot, or other reasonable accommodation in accordance with Section 11-601.311(b), the "date of application" shall be the date the application is deposited.

.382 In the event the CWD is closed during the regular eight hours of a working day as defined in Sections 11-601.214 and .215, and an applicant calls to make a request for emergency benefits in accordance with Section 11-601.313, the date of application shall be the date the telephone call is received.

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.383 Example: On Friday, when the CWD is closed, an applicant deposits an application for Food Stamp benefits in a mail slot designated for that purpose. The application will be date stamped with Friday's date or it will be otherwise indicated on the application that it was received on Friday, the date of application. Had the applicant made a request for Homeless Assistance, Food Stamp Expedited Services, Medi-Cal, or AFDC Immediate Need via the local telephone service on Friday, the date of application would be Friday and the application would have to be processed within established time frames.

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Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Sections 10554, 11023.5, and 18904, Welfare and Institutions Code; 7 CFR 273.2(b)(ii), (c)(5), (f)(3)(ii), and (j)(1); 7 CFR 273.4(a)(10); and USDA Food and Nutrition Service Office, Western Region, Administrative Notice 84-56, Indexed Policy Memo 84-23; ~~and~~ 7 U.S.C.A. 2020(e)(2); and Blanco v. Anderson Court Order, United States District Court, Eastern District of California, No. CIV-S-93-859 WBS, JFM, dated January 3, 1995.

Adopt Chapter 11-600 and Section 11-601 to read:

Chapter 11-600 LAWSUITS INVOLVING MULTIPLE PROGRAMS

11-601 BLANCO v. ANDERSON LAWSUIT

11-601

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.1 Background

The Blanco v. Anderson lawsuit challenged the closure of county welfare department (CWD) offices during regular business hours except Saturdays, Sundays, and legal holidays.

The initial decision, issued on December 16, 1993, addressed only the closure of CWD Food Stamp offices without first having completed a review of the office hours of operation as required by federal regulations at 7 CFR 272.4(g). Emergency state regulations implementing the specific federal regulatory requirements for the required annual office hours review were effective June 1, 1994.

The final judgment, issued December 20, 1994, and amended January 3, 1995, finds that by allowing CWDs to close their offices during the "regular eight hours of the working day," class members have been denied their right to apply for and receive Food Stamp, AFDC, homeless assistance, and Medi-Cal benefits. The court ordered that when the CWDs are closed during the regular eight hours of the working day, they must do the following. They must make it possible for individuals to apply for and receive Food Stamp, AFDC, and Medi-Cal benefits, including emergency benefits, within the time limits prescribed by state and federal law. The CWDs must also provide notice of their hours of operation and of the procedures, during these hours of closure, for applying for and receiving these benefits, including emergency benefits.

These regulations implement the December 20, 1994 judgment as amended January 3, 1995.

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.2 Definitions

.21 For purposes of these regulations, the following apply:

.211 "Accept and act upon all applications for emergency benefits" includes providing such emergency benefits within the time limits prescribed by federal and state law.

.212 "Local telephone service" means a telephone number which is toll-free for the same geographic area as the regular telephone number for each CWD office.

.213 "Opportunity to file an application for benefits" includes the provision of special assistance under 7 CFR 273.2(e) and (f) (see Sections 63-300.4 and .5) and 45 CFR 233.10(a)(1)(vi) (see Section 40-157.213).

(a) "Special assistance" means assisting the applicant as necessary in order to provide emergency benefits within the time limits prescribed by federal and state law, including waiving the face-to-face office interview, conducting the application interview by telephone, and assisting the applicant in gathering needed documents.

.214 "Regular eight hours of a working day" means the eight-hour period the CWD's offices are open to the public. If the CWD office is never open eight hours on a working day, the "regular eight hours of the working day" shall mean the hours that the CWD office is open, plus an additional time period(s) immediately before, after, or between these hours, which cumulatively equal eight hours.

.215 "Working days" means Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays, excluding federal and state holidays.

.3 County Responsibilities

.31 If a CWD closes its offices at any time during the regular eight hours of a working day, the CWD shall do all of the following during those hours of office closure:

.311 Provide individuals the opportunity to file an application for and receive Food Stamp and/or AFDC benefits within the time limits prescribed by federal and state law.

(a) Make applications for such benefits readily available to individuals.

(b) Provide a drop-box, mail slot, or other reasonable means for filing applications.

(1) Applications deposited as described in Section 11-600.311(b) shall be deemed to have been filed on the date of the CWD office closure.

(2) In the event an individual certifies he/she was denied the opportunity to file an application, and the CWD does not have evidence to the contrary, the application shall be processed in all respects as though it was filed on the date of the CWD office closure.

.312 Provide individuals the opportunity to file an application for and receive expedited Food Stamp, immediate need AFDC, and/or homeless assistance benefits within the time limits prescribed by federal and state law.

- (a) Maintain sufficient staff to accept and act upon all such applications, and/or
- (b) Maintain a local telephone service with sufficient staff to accept and act upon all such applications as if such requests had been made in person at the CWD's office.

.313 Greet incoming calls on the main telephone lines of the CWD's offices with an announcement informing the caller of following:

- (a) The working days, or regular eight hours of a working day, when the offices will be closed;
- (b) The procedures for obtaining and filing applications for Food Stamp and AFDC benefits, during these hours of office closure; and
- (c) The procedures for applying for and receiving expedited Food Stamp, immediate need AFDC, and homeless assistance benefits, within the time limits prescribed by federal and state law, during these hours of office closure.

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- (d) CDSS and the Department of Health Services are enjoined by court order in the Blanco v. Anderson lawsuit. The court order includes provisions for providing services to clients under Medi-Cal as well as Food Stamp and AFDC programs. The order requires that telephone announcements greeting incoming calls informing the public of the provisions specified in Sections 11-601.313(a), (b), and (c) include information regarding Medi-Cal and emergency medical services.

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.314 Post notices in prominent locations within the CWD's offices and in the public areas, including the doors, immediately outside the CWD's offices which inform the public of the following:

- (a) The working days, or the regular eight hours of a working day, when the offices will be closed;
- (b) The procedures for obtaining and filing applications for Food Stamp and AFDC benefits during these hours of office closure; and
- (c) The procedures for applying for and receiving expedited Food Stamp, immediate need AFDC, and homeless assistance benefits within the time limits prescribed by federal and state law, during these hours of office closure.

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- (d) CDSS and the Department of Health Services are enjoined by court order in the Blanco v. Anderson lawsuit. The court order includes provisions for providing services to clients under Medi-Cal as well as Food Stamp and AFDC programs. The order requires that notices posted by the CWD offices informing the public of the provisions specified in Sections 11-601.314(a), (b), and (c) include information regarding Medi-Cal and emergency medical services.

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- Authority Cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code.

Reference: Section 18902, Welfare and Institutions Code; Blanco v. Anderson Court Order, United States District Court, Eastern District of California, No. CIV-S-93-859 WBS, JFM, dated January 3, 1995.

Amend Section 44-317.111 to read:

44-317 BEGINNING DATE OF AID FOR NEW APPLICATIONS

44-317

When the applicant is found eligible, the following are beginning dates of aid:

.1 Basic Date of Aid Determination

.11 (Continued)

.111 (Continued)

(a) In the event the CWD is closed during the regular eight hours of a working day as defined in Sections 11-601.214 and .215, and an application for AFDC benefits is deposited in a drop box, mail slot, or other reasonable accommodation in accordance with Section 11-601.311(b), the "date of application" shall be the date the application is deposited.

(b) In the event the CWD is closed during the regular eight hours of a working day as defined in Sections 11-601.214 and .215, and an applicant calls to make a request for emergency benefits in accordance with Section 11-601.313, the date of application shall be the date the telephone call is received.

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(c) Example: On Friday, when the CWD is closed, an applicant deposits an application for AFDC benefits in a mail slot designated for that purpose. The application will be date stamped with Friday's date or it will be otherwise indicated on the application that it was received on Friday, the date of application. Had the applicant made a request for Homeless Assistance, Food Stamp Expedited Services, Medi-Cal, or AFDC Immediate Need via the local telephone service on Friday, the date of application would be Friday and the application would have to be processed within established time frames.

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Authority Cited: Sections 10553, 10554, 10604, and 11209, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10604, and 11056, Welfare and Institutions Code; 45 CFR 206.10; 45 CFR 233.10(a)(1); 45 CFR 233.20(a)(1)(ii); 45 CFR 233.60; 45 CFR 233.90(c)(2)(i); ~~and~~ Section 3510 (October 1961), Federal Handbook of Public Assistance Administration; and Blanco v. Anderson Court Order, United States District Court, Eastern District of California, No. CIV-S-93-859 WBS, JFM, dated January 3, 1995.